

## **BILL ANALYSIS**

Senate Research Center  
86R10455 JAM-F

S.B. 923  
By: Huffman  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 923 provides that it is a common nuisance for sexually oriented businesses to allow persons younger than 18 on the premises of the business or to employ persons younger than 21 years old, creates administrative penalties for sexually oriented businesses that knowingly or recklessly allow persons younger than 18 on their premises, and attaches a criminal penalty to sexually oriented businesses employing an individual under 21 years old.

As proposed, S.B. 923 amends current law relating to restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business and creates a criminal offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 106, Alcoholic Beverage Code, by adding Section 106.17, as follows:

Sec. 106.17. PRESENCE OF MINOR ON PERMITTED OR LICENSED PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) Prohibits an individual younger than 18 years of age from being on premises covered by a permit or license issued under this code if a sexually oriented business, as defined by Section 243.002 (Definition), Local Government Code, operates on the premises.

(b) Prohibits the holder of a permit or license covering a premises described by Subsection (a) from knowingly or recklessly allowing a minor to be on the premises.

(c) Requires the Texas Alcoholic Beverage Commission (TABC) or the administrator of TABC, notwithstanding any other provision of this code, if it is found, after notice and hearing, that a permittee or license has violated Subsection (b), to suspend the permit or license for a certain amount of time for first or second violations or cancel the permit or license for the third violation.

SECTION 2. Amends Subchapter A, Chapter 102, Business & Commerce Code, by adding Section 102.0031, as follows:

Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY BUSINESS IN RELATION TO A CHILD. Prohibits a sexually oriented business from allowing an individual younger than 18 years of age to enter the premises of the business.

SECTION 3. Amends Section 102.004(a), Business & Commerce Code, as follows:

(a) Authorizes the Texas attorney general (attorney general) or appropriate district or county attorney, in the name of the state, to bring an action for an injunction or other

process against a person who violates or threatens to violate certain sections of the code, including Section 102.0031.

SECTION 4. Amends Section 102.005(b), Business & Commerce Code, to provide that a sexually oriented business commits an offense if the business violates Section 102.003 (Prohibition on Certain Activities by Business in Relation to Sex Offender), or 102.0031, rather than violates Section 102.003.

SECTION 5. Amends Section 125.0015(a), Civil Practice and Remedies Code, as follows:

(a) Establishes that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

(1)–(18) makes no changes to these subdivisions;

(19) employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed, rather than employing a minor, at a sexually oriented business as defined by Section 243.002, Local Government Code;

(20)–(25) makes no changes to these subdivisions;

(26)–(27) makes nonsubstantive changes to these subdivisions; or

(28) permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business as defined by Section 243.002, Local Government Code.

SECTION 6. Amends Sections 51.016(b), (h), and (i), Labor Code, as follows:

(b) Prohibits a sexually oriented business from employing or entering into a contract, other than a contract described by Subsection (g) (relating to providing that the requirements of Subsections (c) and (f) do not apply to contractors solely there for certain work), for the performance of work or the provision of a service with an individual younger than 21 years of age, rather than younger than 18 years of age.

(h) Authorizes TABC, the attorney general, or a local law enforcement agency to inspect a record maintained under this section if there is good reason to believe that an individual younger than 21 years of age, rather than younger than 18 years of age, is employed or has been employed by, or entered into a contract, other than a contract described by Subsection (g), for the performance of work or the provision of a service with, the sexually oriented business within the two years preceding the date of the inspection.

(i) Provides that a person commits an offense if the person:

(1)–(2) makes nonsubstantive changes to these subdivisions; or

(3) violates Subsection (b).

SECTION 7. Amends Section 51.031(b), Labor Code, to include Section 51.016(i)(3) among the sections under which an offense is considered to be a Class A misdemeanor.

SECTION 8. Amends Section 43.251(a)(1), Penal Code, to define "child" as a person who is younger than 21 years of age, rather than 18 years of age.

SECTION 9. Makes application of this Act prospective. Provides that for purposes of this section an offense was committed before the effective date of the Act if any element of the offense was committed before that date.

SECTION 10. Effective date: upon passage or September 1, 2019.